

**United States District Court
Western District of Michigan
Southern Division**

United States of America,

Plaintiff,

Case No. 1:12-cr-17

v.

Hon. Janet T. Neff
US District Judge

Babubhai Rathod, *et al*,

Defendants.

MOTION FOR DISCOVERY & ADDITIONAL TIME FOR FILING MOTIONS

NOW COMES Defendant Babubhai Rathod, by and through his Counsel, Burdick Law, P.C., by James W. Burdick, and states the following:

1. Search warrants were issued on January 19 and 20, 2012, which are referred to and described more fully in the brief filed in support of this motion (the *brief*).
2. The affidavits filed in support of the two search warrants (the *affidavits*) refer to four unidentified cooperating witnesses (the *cooperating witnesses*).
3. The affidavits state that some or all of the cooperating witnesses provided documents and information to the government.
4. As set forth in the brief, the Defendant has concerns that the cooperating witnesses were agents or instrumentalities of the government when they obtained documents

from the Defendant.¹ If they were, taking any documents from Defendant would be a Fourth Amendment violation. Government Counsel has advised that he employed strict rules against such intrusions; however, Defendant not unreasonably fears that one of the many agents working for the government may not have abided by such rules.

6. The purpose of this motion is to seek discovery of the details of how the agents obtained the documents referred to in the affidavits, and to request an extension of time to allow for Defendant to review of such information to determine whether a motion to suppress would be appropriate in the circumstances, and to file same if so. The government has been commendably and fully cooperative in this effort, advising that it plans to copy the relevant cooperating witness statements, so as to provide Defendant with confirmation of when the government came into possession of those documents from those witnesses, to assist Defendant in evaluating same.

7. For the reasons set forth in the Brief accompanying this motion, Defendant requests that the government:

- A. Identify each document that was provided by the cooperating witness to the government.²
- B. As to each such document, identify the cooperating witness who provided such document to the government.
- C. Identify when and where the cooperating witness obtained the documents.
- D. Identify to whom the cooperating witnesses provided the document identified in Paragraph A above.

¹ As set forth herein, Defendant means not only Babubhai Rathod, but the businesses and locations that the Affidavits claim are owned and/or operated by the Defendant.

² This discovery request is for all documents that were provided directly to the government by the cooperating witnesses or their respective agents or attorneys.

E. Identify the names of the individuals in law enforcement who had any contact with any of the cooperating witnesses and the dates of such contact.

F. Provide all reports or statements of anyone in law enforcement who had contact with any of the cooperating witnesses including, but not limited to, all reports setting forth the circumstances surrounding the cooperating witness' obtaining of information or documents from the Defendants and providing such documents and information to the government.

G. Provide all documents filed under seal or provided to the government in the *Qui Tam* lawsuit captioned *United States, et al v. Lakeshore Spine and Pain, P.C., et al*, W.D. Mich., Case No. 1:11-cv-1051.

H. Identify any individual in law enforcement who had knowledge prior to January 20, 2012 that any of the cooperating witnesses were taking documents from the Defendant.

I. Provide copies of all audio, video or other types of recordings, and transcript of such, involving any of the cooperating witnesses.

WHEREFORE, Defendant Rathod respectfully requests this Court order disclosure of the items listed above, and to extend the time to file further motions, if appropriate after review.

Respectfully Submitted,

BURDICK LAW, PC

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